



## Conflicting priorities

### GoSS security challenges and recent responses

Four years after the signing of the Comprehensive Peace Agreement (CPA), Southern Sudan is facing a profound set of problems. The Government of Southern Sudan (GoSS) has yet to establish security throughout the South and to address internal challenges to its authority, including various militia groups and inter-communal conflicts. Within the context of faltering implementation of the CPA and its perceived obstruction by the North, a potentially destabilizing financial crisis, and elections slated for February 2010, the GoSS is struggling on multiple fronts. Looming over these issues is the prospect of the referendum on self-determination, which the GoSS is resolved should take place by 2011, as stipulated by the CPA.

The GoSS continues to be driven by the belief that a confrontation with the North is likely. This stance has shaped its current security strategy, which focuses on defending the border with the North and other strategic positions, as well as containing potential spoilers, including possible allies of Khartoum. The consequence is a limited ability to address insecurity and conflicts emerging within the South.

This *Issue Brief* explores some of the internal and external challenges currently facing the GoSS, and its responses, particularly the most recent civilian disarmament campaign, which took place in the second half of 2008.<sup>1</sup>

Key findings are the following:

- The GoSS faces a combination of internal divisions and external pressures from an increasingly hostile National Congress Party (NCP) in the North; numerous violations of the CPA have been left unresolved, and there has been associated violence in a number of areas in Southern Sudan and border regions.
- The GoSS's security planning continues to be largely based on the perception that the North is actively working to undermine the CPA and that a future war is likely.
- The 2008 GoSS civilian disarmament campaign had limited impact, in terms of both removing weapons from circulation and stemming violence. The campaign was conducted selectively, took place alongside rearmament, and failed to address internal conflicts and gaps in civil security provision, which continue to motivate weapons possession. Disarmament in the current context is unlikely to contribute to the broader goals of peace and security.
- The 2008 disarmament campaign and subsequent violence in Jonglei and Upper Nile in 2009 are indicative of divisions within the GoSS, between those empowered by the CPA and other southern groups, as well as ongoing inter-communal conflicts. The issue of how to handle militias—whether independent or aligned with security forces in the North—is connected to these divisions. A renewed focus on South–South dialogue and reconciliation is essential if the South is to remain unified.
- In order to engage meaningfully with the GoSS on security issues, the UN and donors need to appreciate the GoSS's security dilemmas and priorities, and allow these to inform their approach to supporting the development of security policies and institutions.
- The international community needs to refocus on the fragile North–South ceasefire and a southern government that is struggling to cope with mounting internal and external pressures. In particular, the UN Mission in Sudan (UNMIS) could more effectively operationalize its core mandate to monitor the ceasefire and security arrangements of the CPA and could establish a more dynamic presence on the ground, as it has begun to do in Jonglei.
- Donors and others involved in security policy and programming have an opportunity to engage decision-makers both to plan for possible scenarios following the referendum in 2011 and to develop strategies to address and mitigate internal threats to stability for the remainder of the interim period. This calls for a sequenced approach that takes security—rather than disarmament—as the necessary starting point.

### External threats

Despite the continued effort to adhere to the terms of the peace agreement,<sup>2</sup> the GoSS's security decision-making continues to be driven by what it perceives to be the unresolved conflict with the North. Security continues to be understood in terms of the need to prepare for a possible future war, which includes the need to address perceived proxy forces and other destabilizing groups and individuals operating in the South.<sup>3</sup>

The perspective of the Sudan People's Liberation Movement/Army (SPLM and SPLA) that Southern Sudan

must be able to protect its sovereignty in the event that the northern government reneges on the peace agreement has been clear since the outset of the CPA negotiations. The maintenance of the SPLA as the official army of Southern Sudan is enshrined in the agreement<sup>4</sup> and was seen by southerners as an essential guarantor of the autonomous region's security and integrity. Yet the SPLA continues to see the SAF as the biggest threat to its security, as it did during the civil war.<sup>5</sup> It is extremely mistrustful of SAF forces on or near its territory, both those illegally 'guarding' strategic assets such as the oil fields and SAF members of the Joint Integrated Units (JIUs).<sup>6</sup>

The problematic make-up of the JIUs has reinforced the SPLA's concerns. Rather than building a model for a future unified army, the SAF strategy of deploying former SAF-aligned southern militias to the JIUs has created insecurity and is seen by many in the GoSS as a deliberate provocation. Tensions between the SAF and SPLA components of the JIUs have led to several instances of heavy fighting, most recently in Malakal in February 2009 (see Box 1).

The Southern Sudan Security Strategy (2009) identifies the failure to demarcate the North–South border as the most pressing challenge to the CPA, and confrontations along the contested border as a primary threat to the South (see Box 2). These concerns are heightened by recent SAF and SPLA troop build-ups along strategic border areas as well as significant arming by both sides.<sup>7</sup> The SPLA also moved 18 tanks from Ethiopia to positions in Blue Nile during July 2008.<sup>8</sup> Several shipments of tanks, heavy weaponry, and small arms from Ukraine landed in Mombassa in neighbouring Kenya and reportedly moved towards the Sudanese border during late 2007 and 2008.<sup>9</sup>

Most recently, several brigades of SAF forces were reportedly moved into Southern Kordofan under the pretext of preparing to defend the area from rebel Justice and Equality Movement attacks from Darfur, though this claim has been disputed.<sup>10</sup> The NCP has further remobilized the

## Box 1 Confrontation within the Malakal-based JIU

The SAF component of the Malakal-based JIU consists primarily of soldiers previously under the command of Gabriel Tang-Ginya, a (former) militia leader in Southern Sudan and an SAF Major-General.<sup>11</sup> This JIU was at the centre of a violent confrontation on 24–25 February 2009 in Malakal, capital of Upper Nile State, as well as of earlier confrontations.

In a highly contentious move, Tang-Ginya arrived in Malakal, where he has family and owns property, on 23 February, having ostensibly been given permission to take leave for a week. He moved into the SAF JIU barracks in the town upon his arrival and the following morning went for a walk accompanied by SAF bodyguards. An exchange of fire broke out early that morning killing one civilian and injuring two SPLA soldiers.

UN officials asked Tang-Ginya to leave the town, which he declined to do, and the Upper Nile State Security Committee threatened to arrest him. A drunken spree of indiscriminate fighting involving tanks, artillery, and small arms then broke out between the SPLA and SAF components of the JIU, killing at least 62 people (including about 30 civilians) and injuring 94 others.<sup>12</sup> The SAF JIU contingent was composed largely of Tang-Ginya's (former) militia members and was better equipped than its SPLA counterpart. Serious looting followed and an additional SAF soldier was shot dead the following day. GoSS Vice President Riek Machar travelled to Malakal and, together with Minister Ahmed Harun of the Government of National Unity, mediated an agreement between the two sides. The terms included the disengagement of forces, a stipulation that both JIU teams would rotate out of Malakal completely, and the relocation of future JIUs to a location 10 km out of town.<sup>13</sup> These terms have yet to be met.

There is a widespread belief in Southern Sudan that the violence was orchestrated. 'We believe that Tang-Ginya is being used by SAF as a catalyst to start another civil war in Southern Sudan,' said a statement from the GoSS Ministry of Information and Broadcasting.<sup>14</sup> 'SAF is not willing to hand over Tang-Ginya to face justice as repeatedly demanded by GoSS,' it said. This and other violent clashes are violations of the Comprehensive Peace Agreement.

The SAF contingents of the JIUs, in particular in Malakal and Paloich, include former militia members<sup>15</sup> who are believed to remain loyal to their former commanders. As such, the SAF commander does not have effective control over these forces. Matters are further complicated by reported tensions within the SAF component of the Malakal-based JIU. More specifically, Tang-Ginya's supporters are in conflict with those loyal to other southern, SAF-aligned militia leaders such as Gordon Kong and Thomas Maboir, as well as with some Murle groups. As such, the JIUs cannot fulfil their mandate of providing a unified military capability during the interim period and have instead become a source of insecurity.<sup>16</sup>

Popular Defence Forces (the Islamist militia that supported the National Islamic Front's rise to power and was used to conduct the civil war in the South),<sup>17</sup> also deploying them to Southern Kordofan.

Since the CPA was signed, the North–South border and the so-called Three Areas of Abyei, Southern Kordofan, and Blue Nile have been a major focus of dispute; there is no shortage of related examples of violations of the agreement. These include:

- Resistance by the NCP to the demarcation of the boundary between the North and South as per the agreed formula.<sup>18</sup>
- The failure to redeploy forces, as per the agreed formula, and the ongoing recruitment of proxies.<sup>19</sup>
- The failure of both parties to meet troop strength commitments for JIUs, and the refusal of the SAF to accept mandated training efforts.<sup>20</sup>

- The failure by the NCP to respect the Abyei boundary as per the findings of the Abyei Boundaries Commission<sup>21</sup> and to implement the Abyei Protocol. Violent clashes between the SAF and the SPLA broke out in and around Abyei in May 2008, which led to the signing of the Abyei Road Map,<sup>22</sup> as part of which both parties agreed to have the dispute resolved by the Abyei Arbitration Tribunal in The Hague. The court is expected to reach a final decision on the boundary in mid-2009, but whether the findings will be respected remains doubtful. Among other current problems, Abyei has no budget to implement the road map.<sup>23</sup>
- Violent sporadic clashes between the SPLA and SAF, most recently in Kharasana (March 2008), Abyei (May 2008), and Malakal (February 2009).

In addition to these violations, and other delays in implementing key sections of the CPA, a conflict is brewing over the findings of the 2008 census, which will have an impact on both the upcoming elections and power-sharing arrangements.<sup>24</sup> Salva Kiir had already warned that he would not accept a result showing the southern population to be less than one-third the national figure.<sup>25</sup> After a long delay, the results were announced in May 2009 and showed southerners to comprise 21 per cent of the national population; they were promptly rejected by the SPLM.<sup>26</sup> SPLM Secretary-General Pagan Amum has also cautioned that the SPLM would boycott the elections if the census results were perceived as having been manipulated by the NCP.<sup>27</sup>

The NCP continues to be suspected of manipulating finances, particularly since the GoSS has not been receiving its share of oil revenues as stipulated in the CPA.<sup>28</sup> As of December 2008, USD 256.66 million was due to the GoSS in oil arrears.<sup>29</sup> Complicating matters, while Khartoum receives oil revenue in US dollars, transfers are made to the GoSS in Sudanese pounds. The GoSS is thus precluded from accumulating foreign exchange, which is crucial to purchasing goods and services from abroad. As a result, the GoSS is unable to pay foreign contractors without the knowledge and effective approval of the Central Bank of Sudan (based in Khartoum).<sup>30</sup> Considering its current budgetary crisis (see page 4), the GoSS views this financial impasse as an NCP-led strategy to weaken its military position. 'The NCP does not send the full amount of oil money and it is always late so that they can prevent us from preparing to fight the next war,' commented one SPLA soldier in Juba in March 2009.<sup>31</sup>

The recent International Criminal Court indictment of President Omar al-Bashir, which has preoccupied the NCP elite,<sup>32</sup> has further legitimized hostility towards the NCP within the South. Many observers, including within the GoSS, expect that CPA-related tensions and uncertainty over implementation, particularly following the indictment, could escalate to a return of open armed conflict or a

unilateral declaration of independence prior to the referendum.<sup>33</sup>

## Internal pressures

In addition to the perceived threat from the North, the GoSS faces internal challenges to its authority, which undermine its ability to provide security to communities throughout Southern Sudan. The GoSS understands these internal security threats, which have a negative impact on peace-building and development, primarily in terms of their links with 'external' threats to Southern Sudanese sovereignty and integrity. This position is illustrated in key recent security documents (see Box 2).

The basic infrastructure and enforcement capacity necessary for the provision of civil security services are embryonic and the involvement of civil institutions in security policy and decision-making structures is limited. Without this infrastructure and input,

and in the absence of locally visible peace-building and development, the GoSS will be unable to meet the South's greatest challenge, which is to unify its people. The GoSS needs to build cohesion among a mix of ethnic groups and political interests—for whom the common fight against the North has been perhaps the only unifying factor—as well as southern factions that fought against the SPLA during the war. This strength of common purpose has been waning in the interim period.

As of mid-2009, the GoSS faces a range of internal pressures, including persistent inter-communal violence linked to the history of the war and resulting displacement, and exacerbated by high levels of criminality.<sup>38</sup> In addition, armed insurgent groups such as the Lord's Resistance Army (LRA) continue to operate on Southern Sudanese soil, where they are recruiting locals.<sup>39</sup>

Meanwhile, a deepening budgetary crisis is exacerbating security challenges

### Box 2 Security policy in Southern Sudan

A number of recent policy and strategy documents capture critical elements of GoSS security policy. The Southern Sudan Security Strategy, which was developed within the SPLA<sup>34</sup> and approved by the GoSS Council of Ministers in February 2009, sets out Southern Sudan's public security strategy. Its scope is broad: the document deals with both external and internal challenges to the security and sovereignty of the people of Southern Sudan, covering issues such as the defence of territory, the protection of the rights, dignity, and diversity of the people of the South, and the development of infrastructure and an economic base.<sup>35</sup> It considers major military threats that relate to a potential CPA collapse and a return to war. It also stresses the need to address inter-communal conflicts, which can have a significant impact on internal security and which are identified as a threat given that they can be influenced by the SAF and National Security and Intelligence Services on behalf of the NCP. Food security issues, the development of transport and communications infrastructure, the protection of natural resources, public health and education, and other social and economic concerns are also examined within the context of their significance to southern interests.

This document should be considered in conjunction with the Defence White Paper (2008), which was also developed within the SPLA<sup>36</sup> and which sets out the future role of the SPLA as a professional army focused on the core military task of defending the territorial integrity of Southern Sudan. It also gives the SPLA a mandate to assist in internal law and order matters in support of National Security and Intelligence Services, the South Sudan Police and Prison Services, and the Wildlife Protection Service. The SPLA Act (2009) is another relevant document. It sets out the roles of the SPLA, its desired structure, command and control, and detailed rules and regulations governing SPLA conduct.

Other documents with a bearing on internal law and order issues include a Penal Code and Criminal Procedure Acts (both 2008), developed within the Ministry of Legal Affairs and Constitutional Development. Together with the Local Government Act (2009) and the SPLA Act, these documents provide a largely new legal basis for law enforcement, though they have not yet been operationalized by the relevant agencies. Among the general public, furthermore, few are aware that the laws exist. Furthermore, their implications for those responsible for law enforcement have yet to be explored. Dissemination and implementation of the laws are likely to present long-term challenges given the limited capacities of law enforcement, legal, and justice institutions.

Other institutions that could be involved in formulating security policy and strategy include the recently created Bureau for Community Security and Small Arms Control (CSSAC)<sup>37</sup> and the Southern Sudan Peace Commission, neither of which has been substantially involved to date.



(see Box 3). The inability to pay public sector salaries, including payment of soldiers, is generating protests and violence.<sup>40</sup> The failure to pay soldiers' salaries, combined with the lack of alternative livelihoods, increases the risk of defection by former militia away from the SPLA, lowers soldier morale, and increases the likelihood of soldiers' involvement in crime. Furthermore, the budget crisis is preventing the government from providing essential services that would build public confidence in both it and the CPA.

## Disarmament as a response to insecurity

Beginning with its inclusion in the CPA, disarmament has been understood as an important component of the peace- and security-building process. Given the current state of other peace-building and security sector transformation processes, however, it is unlikely to contribute to these goals.

The 2008 GoSS disarmament campaign, as well as previous campaigns in 2005–06, have had limited positive impacts on the critical security conditions facing the GoSS, and in some cases they have had a negative effect. The problem is twofold. First, some communities have perceived disarmament as being targeted along ethnic lines, which has exacerbated inter-communal divisions. Second, the GoSS has been unable to provide adequate protection to communities, which consequently perceive the maintenance of weapons as being crucial to their defence. These issues play out differently depending upon the local security and conflict dynamics. Campaigns in 2005–06 and more recently in 2008 illustrate some of these problems.

In mid-2008 the GoSS initiated a campaign to disarm the civilian popu-

### Box 3 Southern Sudan's financial crisis

The GoSS budget for 2009 is SDG 3.6 billion (or approximately USD 1.52 billion).<sup>41</sup> This was calculated on the basis of an expected oil price of USD 50 per barrel, which then dropped to less than USD 40. It is considerably less than the 2008 budget, which amounted to SDG 3.4 billion (USD 1.44 billion), with an additional SDG 3.08 billion (USD 1.3 billion) passed by the Southern Sudan Legislative Assembly in October 2008,<sup>42</sup> apparently for military spending.

Oil revenues to the GoSS dropped by almost 70 per cent between August and December 2008: from USD 370.65 million in August to USD 118.87 in December.<sup>43</sup> Donors now estimate that revenues for 2009 will be 40 percent less than indicated in the 2009 budget.<sup>44</sup> Non-oil revenues in Southern Sudan are gathered mainly from customs, personal income tax, and a variety of other sources (VAT, corporate tax, airport, immigration, and traffic dues) but remain extremely small: between January and September 2008, only SDG 26.8 million (USD 11.33 million) was reportedly collected in the South, of which half was remitted to the Government of National Unity (GoNU) under the terms of the CPA.<sup>45</sup>

A number of key issues have contributed to the crisis, including: an inflated and largely unskilled workforce;<sup>46</sup> over-spending on the security forces;<sup>47</sup> over-spending on ghost-worker salaries; an almost total dependency on oil reserves; a lack of transparency in the oil sector;<sup>48</sup> a unilateral decision by the GoNU to deduct SDG 15 million (USD 6.34 million) per month from GoSS oil revenues to finance upcoming elections;<sup>49</sup> widespread corruption and inefficiency; the Southern Sudan Legislative Assembly (SSLA) passing unrealistic budgets;<sup>50</sup> as well as the spending of reserves that could otherwise act as a cushion in lean times. In addition, the Juba-based GoSS Ministry of Finance and economic planning has been unable to identify over-spending by government entities as it has occurred unfettered,<sup>51</sup> resulting in enormous shortfalls: 'I suspect that once the budget is passed, many ministries pay no further attention to their planned activities and spend a lot of money either on administration, or on activities they did not plan for,' noted Kuol Athian Mawein, GoSS minister of finance and economic planning, in his 2009 budget speech.<sup>52</sup> As decentralization occurs, this will be an increasing problem at the state level.

In March 2009, Elijah Malok Aleng, governor of the Bank of Southern Sudan, noted that the bank's coffers were almost empty.<sup>53</sup> One major bank, the Nile Commerce Bank, has run out of cash to meet obligations, reportedly due to improper borrowing by GoSS officials.<sup>54</sup> The GoSS has set up a task force to address the cash-flow problem and is now scrambling to rein in spending<sup>55</sup> and attract funding from outside sources.<sup>56</sup> The resulting uncertainty is leading to profound instability and renders the government unable to deliver meaningful peace dividends to southern Sudanese.

lation of Southern Sudan, which was the most recent disarmament effort since those carried out in 2005–06.<sup>57</sup> The 2008 campaign was directed by an operational order issued by President Salva Kiir on 22 May. The stated objective was 'to peacefully have all civilians in the ten states surrender any kind of firearm in their possession to the State authorities and the SPLA forces who conduct this operation'; the order explicitly condoned the threat of SPLA force in the event of non-compliance.<sup>58</sup>

The interpretation and implementation of the order was left largely to the discretion of the state governors. The governors were directed to organize

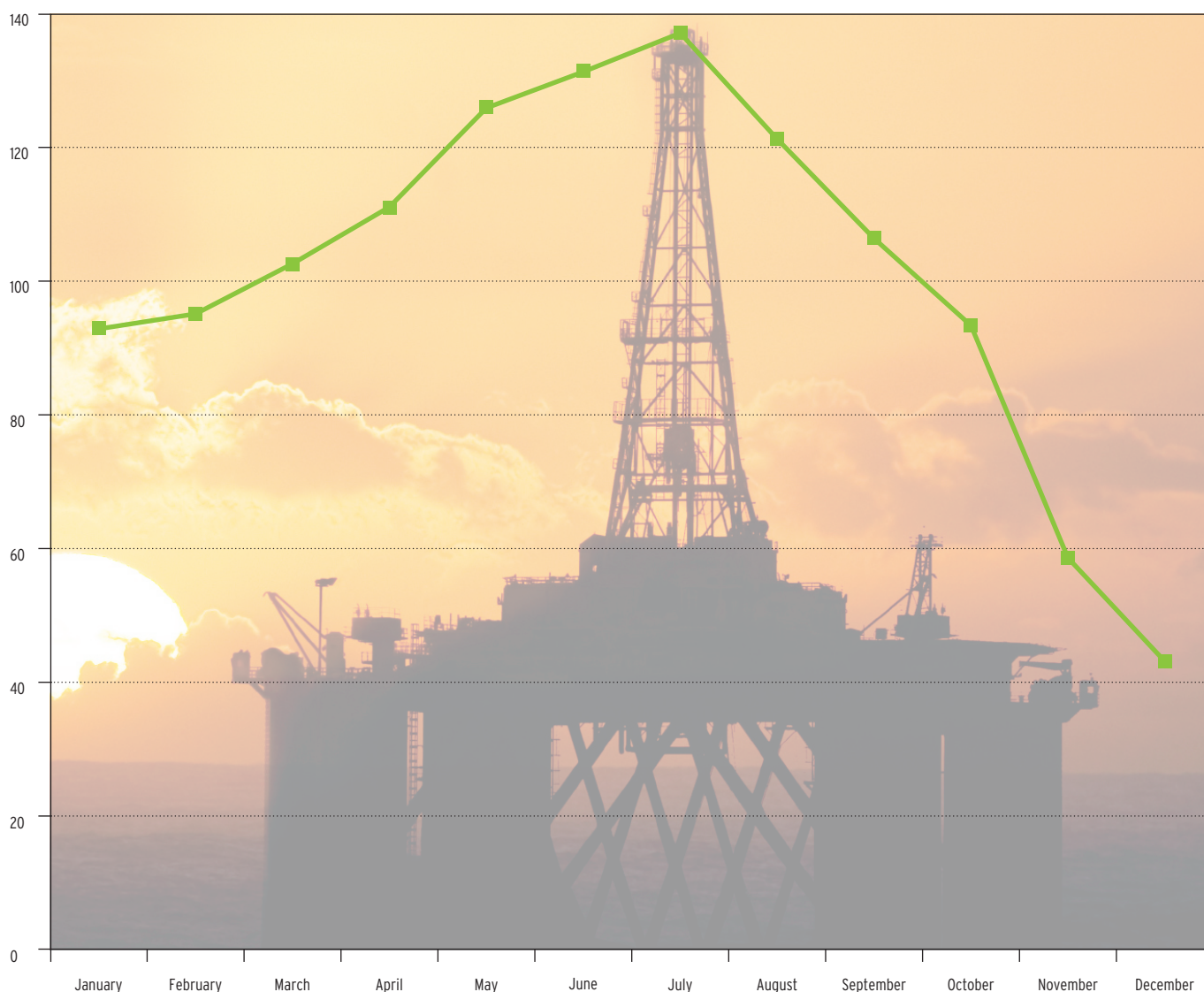
the collection of all civilian weapons within a six-month period ending on 30 November. The order called for the operation to be conducted jointly by the state authorities and the SPLA.<sup>59</sup>

In the event, the directive was selectively implemented. In five out of the ten southern states there is no evidence that disarmament took place as a result of the directive; some governors ignored the order and elsewhere it did not lead to any practical activities. In Upper Nile, Western Bahr el Ghazal, and Western Equatoria, for example, no disarmament activity was reported. In Northern Bahr el Ghazal, a one-day operation was conducted, netting fewer than 300 weapons. Although the governor of Warrap suggested that 15,000 weapons had been collected there, this remains unverified.

However, there has also been a countervailing evolution towards arms

The budget crisis renders the GoSS unable to deliver meaningful peace dividends.

Figure 1 World crude oil prices in 2008 (USD/barrel)



Sources: US EIA (2009)

Silhouette of an offshore oil rig: © Volker Kreinacke, iStockphoto.

control in some locations, with the result that certain groups are authorized to hold weapons, partly in response to community concerns about self-defence. In Western Equatoria, the state has encouraged the formation of 'community defence forces' by civilians to fend off the LRA. In Lakes the initial attempt to use the order to disarm the Gelweng (cattle guards previously armed by the SPLA) had the net effect of collecting, registering, and authorizing the use of firearms by a group of Gelweng leaders who have become more formally linked to the state's security forces.<sup>60</sup> This suggests that disarmament can usefully be seen as an effort to bring particular groups under the control of the state, both by removing weapons from some groups

seen as posing a local threat and by authorizing the use of arms by others.

In some cases, there were incidents of abuse or violence, which may have involved misconduct by soldiers acting under the auspices of the disarmament campaign. In Lakes State, the first phase of the operation—conducted in July and August 2008—was organized by county-level disarmament committees, which reported to the governor. This initial voluntary collection was deemed insufficient, and the SPLA was brought in to conduct a second round in September. Before it could get fully under way, however, three battalions of SPLA involved in a cordon-and-search operation in Rumbek became unruly. Accounts differ, but some reports suggest that one woman

was raped, two people were killed, seven others wounded, and that property was ransacked. In the process, the deputy speaker of the state legislative assembly was beaten up.<sup>61</sup> The governor reacted by suspending all disarmament operations and withdrawing all SPLA soldiers from the state. In the immediate wake of the SPLA's departure, inter-clan tensions flared and the Yirol County commissioner and six others were injured in an attack, possibly by deserting soldiers.<sup>62</sup>

In Unity State, Governor Taban Deng delegated responsibility for executing the president's operational order to the SPLA, with little or no consultation with community leaders. In practice, the disarmament process was conducted as a discrete series of

military operations. The SPLA divided the state into three zones and assigned a brigade from the 4<sup>th</sup> Division to each. The exercises were largely peaceful, except for a small clash in Leer, where two civilians were wounded.<sup>63</sup> It is unclear how many weapons were collected in total, but the campaign contributed to resentment among targeted communities rather than securing control of an economically and strategically important area.<sup>64</sup>

In Jonglei State, the 2008 campaign followed previous initiatives. In 2005–06 the SPLA had conducted an operation in northern Jonglei State that targeted the Lou Nuer in the area, perceived to be linked with ‘white army’ and South Sudan Defence Forces elements.<sup>65</sup> The campaign was led by SPLA commanders who had a history in the area, which partly explains why some of the target community rebelled and more than 1,600 lives were lost in the ensuing battle. The fighting led to the highest number of SPLA casualties in military action in Southern Sudan since the end of the second civil war. Following this incident, there was a series of efforts to undertake disarmament in a way that would not generate similar resistance. These built on local peace conferences and involved chiefs and former militia leaders, particularly in Murle and Lou Nuer areas of Pibor and Akobo counties.

The 2008 campaign took place in some of the same areas targeted in 2005–06, including Akobo and Pibor Counties. Participation in the campaign was minimal largely due to community concerns about ongoing insecurity. In the context of recurrent conflict in Jonglei (see Box 4), fear of attacks from neighbouring communities led people to refuse to comply. Furthermore, in the absence of efforts to address underlying peace and security issues, youths have re-armed themselves for self-defence and the protection of cattle. For instance, according to local officials, ongoing cattle raiding by Murle, particularly in the area of Kolnyang, made civilians wary of cooperating in the disarmament campaign and prompted some youths to purchase firearms for their

#### Box 4 Inter-ethnic fighting in Jonglei State

In and around Jonglei State, resource competition and cattle raiding between ethnic groups—among them the Lou, Jikany, and Gawaar Nuer, Murle, Bor Dinka, and Anuak—is common.<sup>66</sup> But since March 2009, the nature of inter-communal violence has shifted from the targeting of armed youth typically involved in raiding, to attacks on communities, including the elderly, women, and children.

Tensions between armed Lou Nuer and Murle rose considerably following a series of raids in January and February. In one of these attacks, on 30 January, 29 people were reportedly killed, 15 injured, and 3,000 cattle stolen from the Lou Nuer.<sup>67</sup> A large group of Nuer youth, described as being part of an ‘unknown armed civilian group’, retaliated in a series of attacks between 5 and 13 March,<sup>68</sup> starting with cattle camps in Gumuruk payam, Pibor County, and moving to the town of Lekwangole, which they held for two days. Up to 1,000 people were reportedly killed in the fighting and the aftermath, many of them women, children, and elderly as most of the men were with their cattle in the toic (grasslands).<sup>69</sup> The Nuer also abducted Murle children, apparently in retaliation for their own children being abducted in previous attacks. Schools, clinics, NGO compounds, and churches were looted in the town, some of them destroyed in the process.

Murle survivors described the Nuer as being heavily armed with AK-47s, PKMs, rocket-propelled grenade launchers, and hand grenades. There were reports that weapons were redistributed to Lou Nuer (the white army, which was the target of the 2005–06 disarmament) from SPLA stores in the period before the attacks.<sup>70</sup> Southern Sudan Police Service and SPLA uniforms were found on some of the dead bodies.<sup>71</sup> This suggests that ethnic Lou Nuer within the SPLA were deserting to join their kin in the violence, pointing to problems of disaffection and command and control within the army. Furthermore, the SPLA—which had battalions in both Gumuruk and Pibor Counties and a smaller contingent about 1 km from Lekwangole town—did nothing to stop the attacks.<sup>72</sup> Neither did the state authorities.<sup>73</sup> There were similar accusations that the Murle, frequently allies of the SAF during the war, with a history of difficult relations with the SPLA, were receiving ammunition from the SAF.<sup>74</sup>

The Nuer attack on Lekwangole town was unusual in its targeting of communities rather than individuals or small groups. It is unclear who led the attacking force, and what motivated it apart from revenge for previous Murle raids. The governor of Jonglei State reportedly met with the GoSS president to request support from the SPLA to stop further retaliatory attacks;<sup>75</sup> however, this kind of intervention probably would have fuelled accusations of GoSS bias against the Murle. The perception among the Murle is that state authorities were behind the attack.<sup>76</sup>

The violence continues. On 18–19 April, the Murle conducted a major attack on Lou Nuer communities in Akobo County, leaving at least 170 confirmed dead; the total death count could be as high as 300.<sup>77</sup> Murle rearmament combined with the possible resurgence of the Lou Nuer white army greatly increases the potential for future violent confrontations.<sup>78</sup>

protection. Overall, some 2,000 weapons were reportedly collected during the 2008 campaign, mostly from Akobo, Pibor, and Duk Counties.<sup>79</sup>

The response of the GoSS Council of Ministers to resistance to disarmament was to direct states to arrange community awareness raising events to highlight the dangers of firearm use and the resulting need to disarm. A series of meetings, hosted by the president or vice president and attended by high-level GoSS officials, state governors, CSSAC Bureau representatives, and community leaders from five states, took place at the end of 2008 and in early 2009. Part of the aim of these meetings was to assure communities that the SPLA would provide security and develop recommendations for other measures to enhance security between communities in conflict.

The international community’s approach to this and previous disarmament campaigns has been inconsistent. On the one hand, the UN and donors have expressed concern that SPLA-led disarmament will trigger resistance and exacerbate internal divisions, as was the case in 2005–06. On the other hand, the UN has at various points offered assistance subject to there being a plan in place; it has also sought guarantees that operations would be conducted voluntarily or as a strategy to minimize harm, as was the case in Akobo in 2006.<sup>80</sup> More recently, for example, UNMIS supplied secure containers for collected weapons on the condition that only weapons collected ‘voluntarily’ would be stored in them.<sup>81</sup>

Whether in terms of stemming internal threats, reducing weapons in circulation, or addressing insecurity,





▲ Displaced Murle rest after attacks by Lou Nuer drove them from home in Pibor County, Jonglei, 21 March 2009. © Timothy McKulka

the 2008 campaign had very little impact on the internal security dynamics within Southern Sudan. There were instances of abuse committed under the auspices of civilian disarmament, but the effort did not lead to violence on the scale of the 2005–06 campaign. Indeed, its implementation was relatively peaceful, though largely due to its cautious and patchy implementation, not as a result of a fundamental change of strategy on the part of the GoSS. All indications are that the government plans to continue civilian disarmament in 2009, by force if necessary.<sup>82</sup>

## Closing reflections

As the CPA enters a critical period, Southern Sudan is under pressure from ceasefire violations as well as internal instability and security challenges. The GoSS's focus on preparations for a possible military confrontation with

the North has limited its ability to address divisions and community security concerns within the South, which are equally destabilizing. This dynamic has not been recognized by many outside observers. A better appreciation of the realities on the ground is crucial to assisting the southern government to reduce the risk of further political, ethnic, and social crisis. A number of important steps should be considered.

First, UNMIS can make a significant contribution to building confidence in the peace by more effectively monitoring the ceasefire and security arrangements of the CPA—arguably the most fundamental task of the peacekeeping

mission – through more direct interaction with local actors. Playing this role calls for more dynamic patrolling by military and civilian observers, greater interaction and cooperation at an operational level between the UN military, police, and their counterparts at all levels, and improved information sharing, analysis, and reporting. To counteract the current perception that there is little recourse to address CPA violations and the tendency of peacekeepers to respond only after outbreaks of violence have occurred, UNMIS could work more with local actors to address concerns before they escalate. Part of UNMIS's mandate falls under Chapter VII of the UN Charter<sup>83</sup> but it

All indications are that the GoSS plans to continue civilian disarmament in 2009.

has yet to effectively operationalize this on the ground. This will require a substantial shift in the focus of current assets and human resources.<sup>84</sup> A first step would be to patrol key areas more proactively, as is currently beginning to take place through a deployment in Jonglei. It is from this starting point that a discussion about more effective response mechanisms and protection could be developed.

Second, donors and others interested in engaging with the GoSS on security sector reform issues can assist the government in planning to address internal security challenges. This requires greater recognition of current security dilemmas, and a focus on strengthening security policy and decision-making structures as well as the government's capacity for planning. A more realistic analysis and acknowledgement of possible future scenarios and threats would help

enable the GoSS to plan for the referendum and beyond, to create the conditions for peaceful secession—should this be the outcome of the referendum—and to overcome the South's internal divisions after 2011. In the interim, a short- to medium-term strategy is also needed to realistically assess and manage internal threats to security, mitigate the potentially destabilizing impact of the financial crisis and upcoming elections, and moderate the ongoing internal conflicts and criminality that impact on the daily lives of ordinary people.

Bilateral donor arrangements may have an important role to play. The US and UK governments have had significant influence through their support of the ongoing SPLA transformation process, which provides important entry points for dialogue and leverage with key GoSS security policy-makers.<sup>85</sup> The Norwegian gov-

ernment and others have a capacity to influence policy due to their history of bilateral relations, as well as financial support for programming. A dual approach is needed that both engages decision-makers at a political level and supports sectoral and community-based initiatives that contribute to stability. In the longer term, it is critical to develop the infrastructure for state security, particularly the police, law, and justice institutions, and their links to customary security and legal systems. At the same time, it is important to enhance the capacity of the Southern Sudan Peace Commission (SSPC) and relevant SSLA and State Legislative Assembly Committees and their members to work with communities and state authorities to mediate disputes in their constituencies.

As these steps suggest, re-emphasizing peace-building and both state and human security is essential. The



▲ Tribal peace and reconciliation conference, Jonglei, May 2009 © Timothy McKulka



current focus on civilian disarmament is potentially damaging.<sup>86</sup> A more appropriate focus would be on planning for internal security, within the context of which a more gradual approach to arms control could be developed in sequence with other aspects of security sector transformation and peace-building. Furthermore, mediation of internal divisions and a renewed focus on South-South dialogue and peace-building could set the stage for the GoSS to plan for internal security, including by addressing unresolved issues relating to militia.

To the extent that steps such as these could help improve security for southerners, they would also serve to foster greater southern unity. Local conflict mediation and peace-building efforts can lend further support to the GoSS's aim of building an effective and stable state as well as building popular support for the CPA. To this end, the kind of grassroots peace-building work that played such a decisive role in securing the CPA in 2005 has lost focus. The need for its return has never been greater. ■

## Notes

*This Issue Brief is based on research conducted by the Small Arms Survey and Saferworld.*

- 1 This *Issue Brief* draws on research published by the HSBA in January 2009 (O'Brien, 2009) and covers developments through May 2009.
- 2 On the fourth anniversary of the signing of the CPA, President Salva Kiir said: 'Four years after the signing of the CPA . . . we have witnessed greater hope for a just and lasting peace in the Sudan . . . I, therefore, call upon my brother President Bashir to join me in reaffirming our commitment to the people of the Sudan during this 4<sup>th</sup> Anniversary that as leaders charged with the responsibility of implementing the CPA, we recommit ourselves that we shall never and never ever take this country back to war!' See Kiir Mayardit (2009).
- 3 Interviews with various GoSS officials, Juba, March 2009.
- 4 This was not the case in the 1972 Addis Ababa agreement that ended the first civil war.
- 5 Young (2007b, p. 11).
- 6 See Small Arms Survey (2008a) for background on the role of the JIUs.
- 7 A forthcoming HSBA publication will address recent armament by the SAF and SPLA.
- 8 Thomas (2009, p. 19); interview with UNMIS official, Juba, April 2009; and UNSC (2008).
- 9 Interviews with Kenyan government and GoSS officials and other sources, Nairobi and Juba, January–April 2009.
- 10 See Small Arms Survey (2008c) for background on tensions in Southern Kordofan. UNMIS claims the SAF reorganized but that this did not result in increased troop strength. E-mail communication with UN official, May 2009.
- 11 See Small Arms Survey (2008b, pp. 3–4) for background information on Tang-Ginya. Following the signing of the CPA (January 2005) and the Juba Declaration (January 2006), southern SAF-backed militias (known as Other Armed Groups) were given the option to either align with the SPLA or align with the SAF and move to the North. Following negotiations, Tang-Ginya chose to remain allied with the SAF. Many of his militia members were subsequently allowed to remain in the South as part of the SAF component of the Malakal JIU. Many locals hold him responsible for the heavy fighting that erupted in Malakal in November 2006, killing an estimated 150 people (Indigenous Organizations, 2006).
- 12 On the number of killed and injured, see UNSC (2009) and *Sudan Tribune* (2009a).
- 13 The state government has allotted ground for this purpose but neither side is willing to move until barracks and other infrastructure are ready. E-mail communication with UN official, May 2009.
- 14 See GoSS (2009b).
- 15 E-mail communication with UN official, May 2009.
- 16 Heavy fighting that broke out in Abyei in May 2008 saw the town destroyed, tens of thousands displaced, and the local JIU splitting, with SAF and SPLA members fighting each other. For background on Abyei fighting, see HRW (2008).
- 17 See Salmon (2007) for background on the PDF.
- 18 The Technical ad hoc Border Committee started work in January 2007 to map the 1 January 1956 border between the North and South. The process was supposed to have been completed by November 2008 but the committee members have failed to reach agreement.
- 19 The CPA required the SAF to have redeployed out of Southern Sudan in full by 9 July 2007 and the SPLA to have redeployed out of Southern Kordofan and Blue Nile six months after the full formation of the JIUs in these areas. See *CPA Monitor* (UNMIS, 2009b, paras. 199–204). Delays in deployment of the JIUs have given the SPLA an excuse to remain in these areas. As of April 2009, only 10 per cent of SPLA forces originally thought to have been north of the North–South border had redeployed (UNSC, 2009, para. 19), while 95 per cent of SAF had redeployed. See Small Arms Survey (2008c) for background on the recruitment of proxies.
- 20 As of April 2009, JIU force strength was at about 85 per cent (UNSC, 2009, para. 21).
- 21 The commission was mandated to define and demarcate the border of the 'nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905'. Its findings were submitted to the presidency in July 2005 and rejected in a clear violation of the CPA.
- 22 See NCP and SPLA (2008).
- 23 UNSC (2009, para. 14).
- 24 Just before the census was to begin on 15 April 2008, the SPLM announced its postponement in the South, citing a failure to resolve the Darfur crisis, non-completion of the return of IDPs from North to South, non-inclusion of questions on ethnicity and religion in the questionnaire, and delays in North–South border demarcation. It reversed its decision while reserving the right to reject the results, and the census was held on 22 April–6 May 2008. See UNMIS (2009b, para. 50).
- 25 See Kiir Mayardit (2009).
- 26 Clotty (2009).
- 27 *Sudan Tribune* (2009b).
- 28 The GoSS and the GoNU agreed to equitable sharing of oil revenues among oil-producing states. At least two per cent of net oil revenue is transferred back to the state in which the oil is produced. Remaining revenues from oil produced in Southern Sudan are divided equally between the GoSS and the GoNU, while those from oil produced in the North accrue only to the GoNU. See UNMIS (2009c, para. 115).
- 29 UNMIS (2009c, para. 119).
- 30 See GoSS (2008, para 29).
- 31 Interview with SPLA officer, Juba, March 2009.
- 32 See ICC (2009). According to the UN Secretary-General, the ICC arrest warrant has become the 'primary political focus' throughout Sudan. This issue is monopolizing the leadership's attention at the expense of the CPA (UNSC, 2009, para. 7).
- 33 Interviews with GoSS leaders and UN officials, Juba, March and April 2009.
- 34 The strategy was initially developed by a group of SPLA officers referred to as the SPLA General Officers' Strategic Studies Group and presented to the president in August 2008. A slightly revised version was approved by the Council of Ministers in February 2009.

- 35 Dak (2009a). The strategy states: 'The Government of Southern Sudan exists for the ultimate purpose of ensuring the security and sovereignty of the people of Southern Sudan . . . Though we have limited resources, we will seek to minimize risk while focusing our efforts on those activities that are most vital to securing our interests.'
- 36 The Security Strategy built on discussions initially held during the Defence White Paper process, which was supported by the US and UK governments.
- 37 The Bureau was given a mandate and was placed within the Ministry of Internal Affairs by a decision of the Council of Ministers on 31 October 2008.
- 38 According to statistics released by the UN in January 2009, 187,000 people had been displaced by 'tribal and armed conflict' since January 2008. See UN OCHA (2009a).
- 39 See Pax Christi (2009) and UNSC (2009) on the LRA's recent attacks and impact on security in Southern Sudan.
- 40 Disabled war veterans staged recent protests in Eastern and Central Equatoria states, in response to non-payment of salaries for seven months. See Aleu (2008).
- 41 UNMIS (2009a, para. 76). All conversions based on SDG 2.37 to USD 1.
- 42 The supplementary budget was approved in October 2008. See UNMIS (2008b, para. 67).
- 43 See UNMIS (2009a; 2009b).
- 44 JDT (2009).
- 45 UNMIS (2009a, para. 110). The GoSS intends to double its non-oil revenues in 2009.
- 46 For 2008, total government spending on GoSS employees was projected at 55 per cent. This covers 112,000 personnel excluding the SPLA, 60 per cent of which are other 'organized forces' such as the police, prison, and wildlife services. See GoSS (2007, para. 9).
- 47 No less than 51 per cent of the 2009 budget is expected to be spent on salaries, including pensions. This figure rises to 61 per cent if state budgets are included. See GoSS (2008, para. 19).
- 48 Figures and funds are released unilaterally by the Khartoum-based Ministry of Finance and National Economy with no input from the GoSS.
- 49 See Dak (2009b).
- 50 For example, in the 2007 budget debate, the assembly voted to increase the budget by USD 159 million without any ability to raise the funds. See GoSS (2007, para. 17).
- 51 See GoSS (2007, para. 32).
- 52 See GoSS (2008, para. 23).
- 53 Dak (2009b).
- 54 Vuni (2009).
- 55 See Dak (2009b).
- 56 For example, the US Congress has reportedly pledged USD 275 million to meet the budget deficit. Three banks were also reportedly in 'cut-throat' competition to guarantee USD 140 million to the GoSS, with oil reserves being used as a guarantee. See Anyanzwa (2009).
- 57 This section is largely based on O'Brien (2009).
- 58 Kiir Mayardit (2008). The order states: 'In the event that any individual or group of individuals refuse(s), and exhibit resistance that can be construed to endanger the live of the forces and/or the State officials conducting this exercise, appropriate force must be used to cause the collection of all arms from the resisting individual or group of individuals.'
- 59 See Kiir Mayardit (2008).
- 60 See O'Brien (2009).
- 61 O'Brien (2009, p. 32).
- 62 *Sudan Tribune* (2008).
- 63 Interview with disarmament, demobilization, and reintegration (DDR) official in Bentiu, October 2008.
- 64 O'Brien (2009, pp. 42–48).
- 65 The white army, a loosely constituted fighting force active during the civil war, was disarmed by the SPLA in the bloody campaign of 2006. See Young (2007a) for background on the white army; and Small Arms Survey (2007) for background on the Jonglei disarmament campaign; and Young (2006) for a discussion of the South Sudan Defence Forces.
- 66 Other causes of conflict include child abductions and the inability to trace abductees, disagreements over county and *payam* (county subdivision) borders (e.g. Duk and Urur Counties), and inequitable disarmament campaigns. Interview with Lony Ruot, Standard Action Liaison Focus (SALF), a Sudanese NGO working in Jonglei, March 2009.
- 67 UN OCHA (2009b, p. 2).
- 68 SALF (2009, p. 1).
- 69 The commissioner of Pibor County reported that 453 Murle had died, while other sources said that 160 people remained 'missing', presumed dead. In addition, 300 Nuer were reported dead. See SALF (2009, p. 2). The number of injured is unknown. NGO and UN staff had been relocated from the area following a warning of the imminent attacks; consequently, no international witnesses were on the ground to monitor events.
- 70 Eyewitness report from humanitarian worker, Juba, March 2009. Confirmed by statement by state authorities that weapons had to be returned to Lou Nuer so that they could defend themselves from Murle raiders who had not been disarmed.
- 71 Interview with humanitarian worker, Nairobi, March 2009.
- 72 Generally, the SPLA does not intervene in tribal conflict for fear of being forced to take sides and also because these conflicts are so numerous that it would be unfeasible.
- 73 Governor Kuol Manyang, who has been extremely vocal about the need to end Murle attacks and insecurity in Jonglei, was in Juba at the time of the fighting.
- 74 The SPLA reported that ammunition was intercepted en route to Murle areas from the North in March 2009.
- 75 The vast size of Jonglei State (more than 120,000 km<sup>2</sup>) would make it very difficult for the force to provide a buffer zone between the warring groups.
- 76 There is no proof that state authorities were behind the attack. Either way, the Murle believe that they are being victimized and that the attack was part of an orchestrated effort backed by the state to exterminate the Murle and to unite Dinka and Nuer against them.
- 77 Reuters (2009a).
- 78 Interview with humanitarian worker, Nairobi, March 2009. Reports of inter-ethnic violence, with large numbers of deaths, continue, including recent Lou Nuer–Jikany Nuer incidents that left up to 50 people dead and more than 50 injured (Reuters, 2009b).
- 79 O'Brien (2009, p. 21).
- 80 See Small Arms Survey (2007, pp. 4–6) for background on the Akobo disarmament.
- 81 Interview with DDR official, Juba, March 2009. In fact, 'voluntary' collections are impossible to verify and arguably do not exist in a context where the use of force is explicitly threatened.
- 82 In January 2009, the GoSS Council of Ministers resolved that disarmament should continue and that the Ministry of the Interior should commit additional police to the initiative. See GoSS (2009a).
- 83 The UNMIS mandate is available at <<http://www.unmis.org/english/mandate.htm>>. UN Security Council Resolution 1590 seeks to balance UNMIS's role in protecting civilians from physical violence with the recognition that the government is ultimately responsible for the safety of its population (see UNSC 2005, para. 16(i)). UNMIS is not authorized to engage the SAF or SPLA using armed violence.
- 84 Some progress is being made. In response to violence in Jonglei, in May 2009 UNMIS began establishing Temporary Operating Bases in Akobo and Pibor and putting air asset and vehicles at the disposal of its teams.
- 85 The US has supported the SPLA transformation process as well as police development and other rule of law and justice sector activities. The other major ongoing security sector reform initiative in South

Sudan involves two streams of work funded by DfID: the SPLA Force Transformation initiative and a police reform (development) project.

86 The GoSS's emphasis on, and understanding of civilian disarmament is linked with planning for the disarmament of (former) SPLA and Other Armed Group combatants, as part of CPA-mandated DDR. Both efforts are closely linked in the context of a society in which the distinction between 'civilian' and ex-combatant is often unclear.

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## HSBA project summary

The Sudan Human Security Baseline Assessment (HSBA) is a multi-year project administered by the Small Arms Survey. It has been developed in cooperation with the Canadian government, the United Nations Mission in Sudan (UNMIS), the United Nations Development Programme (UNDP), and a wide array of international and Sudanese NGO partners. Through the active generation and dissemination of timely, empirical research, the project supports violence reduction initiatives, including disarmament, demobilization, and reintegration programmes, incentive schemes for civilian arms collection, as well as security sector reform and arms control interventions across Sudan. The HSBA also offers policy-relevant advice on redressing insecurity.

Sudan *Issue Briefs* are designed to provide periodic snapshots and analysis of emerging developments in a timely and reader-friendly format. The HSBA also generates a series of longer and more detailed *Working Papers* in English and Arabic, available at [www.smallarmssurvey.org/sudan](http://www.smallarmssurvey.org/sudan).

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